

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

JOSHUA VICENTE LOPEZ,

Defendant.

Case No. [3:23-mj-71440-MAG-1](#)

**ORDER EXTENDING STAY OF  
RELEASE ORDER AND  
REOPENING THE DETENTION  
HEARING PURSUANT TO 18  
U.S.C. § 3142(F)**

On October 11, 2023, the Undersigned set conditions of release and ordered Defendant's release, following a detention hearing. ECF Nos. 14, 15. At the same time, the Undersigned stayed the order for 24 hours to allow the Government to pursue an appeal of the release order. ECF No. 14. Later in the evening on the same date, the appeal was filed, and it included new information that had not been presented to Undersigned. ECF No.12. Upon an appearance before the District Judge, the matter was referred to the Undersigned for reconsideration. ECF No. 18.

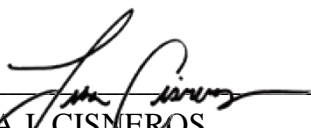
Defendant objects to any request for leave for reconsideration. ECF No. 16. The Government responds that it is entitled to move at any time to revoke pre-trial release based on new information. ECF No. 17. No authority is cited, but the Government is correct that the district court may reconsider its pre-trial release order. See 18 U.S.C. § 3142(c)(3) ("The judicial officer may at any time amend the order to impose to impose additional or different conditions of release."). "The [detention] hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue of whether there are conditions of release that will reasonably assure the appearance of such person

as required and the safety of any other person and the community.” Id. § 3142(f)(2)(B).

Accordingly, the hearing will be reopened and reheard on a date during the week of October 16, 2023, when counsel are available to appear for argument. Counsel shall contact the Undersigned’s courtroom deputy immediately to provide available dates. The release order is stayed pending the rehearing to address the new information. ECF No. 18.

**IT IS SO ORDERED.**

Dated: 10/12/2023

  
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LISA J. CISNEROS  
United States Magistrate Judge

United States District Court  
Northern District of California